



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

February 1, 2008

To the Honorable Senate and House of Representatives:

I am filing for your consideration "An Act Making Appropriations for the Fiscal Year 2008 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects," a bill recommending Fiscal Year 2008 supplemental appropriations totaling \$51.2 million. This legislation is necessary to address \$2.7 million for newly ratified collective bargaining contracts, and \$41.2 million for snow and ice removal costs at the Massachusetts Highway Department and the Department of Conservation and Recreation.

The supplemental legislation includes a one-time state supplemental appropriation of \$7.3 million to make a final payment for the outstanding balance on the judgment in *Jane C. Edmonds v. Elaine L. Chao*. Although I recommend that the Commonwealth pay this debt as soon as possible to ensure favorable interest terms and avoid further escalation of penalties, we will continue our efforts to recover the funds from the City of Lynn in accordance with the March 30, 1999, decision of the then Division of Employment and Training.

In addition, this bill also contains two outside sections, including legislation to provide a one-time Fiscal Year 2008 waiver of fringe costs recovered by the State Comptroller on behalf of the federally-supported state employees in the Department of Workforce Development.

Further, pursuant to Section 7 of Chapter 150E of the General Laws, I submit for your consideration appropriation recommendations to fund the Fiscal Year 2008 costs contained in collective bargaining agreements between

- the Middlesex Sheriff and the Middlesex Superior Officers' Association;
- the Middlesex Sheriff and the Teamsters, Local 122; and
- the Commonwealth and the Massachusetts Nurses Association (Unit 7).

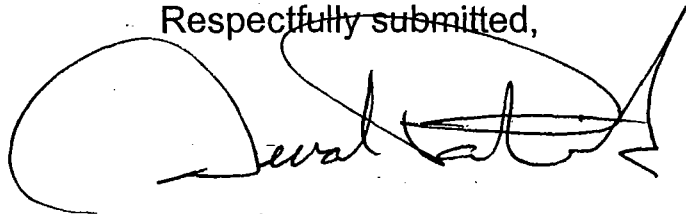
The Fiscal Year 2009 costs for these contracts are incorporated in my H.2 budget recommendations.

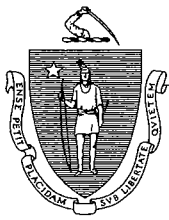
I am also submitting a recommendation to fund the Fiscal Year 2007, 2008 and 2009 costs for the collective bargaining agreement between the commonwealth and the Coalition for Public Safety (Unit 5) at the Alcoholic Beverages Control Commission.

This legislation places a total of \$2,685,899 in 4 reserves from which funds may be transferred to departments' operating accounts to meet the costs of the salary adjustments and other economic benefits which are required by the agreements. Copies of the agreements are being submitted separately to the Committees on Ways and Means.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Bates", is written over the "Respectfully submitted," text. The signature is stylized with a large loop at the beginning and a long, sweeping underline.



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND EIGHT

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2008 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2008, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

2820-2000 \$1,317,783

EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

Highway Department

6010-0002	\$1,445,778
6030-7201	\$38,389,013

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

OFFICE OF THE STATE COMPTROLLER

Office of the State Comptroller

1599-3394 For payment to the United States Department of Labor for the outstanding balance of the judgment in <i>Jane C. Edmonds v. Elaine L. Chao</i>	\$7,332,364
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EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1599-4275 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the Middlesex Superior Officers Association, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration	
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and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$147,310

1599-4276 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff's department and the Teamsters, Local 122, and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$12,577

1599-4277 For a reserve to meet the fiscal year 2008 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement

between the commonwealth and the Massachusetts Nurses Association (Unit 7), and to meet the fiscal year 2008 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2008 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means \$2,353,765

1599-4278 For a reserve to meet the fiscal year 2007, 2008 and 2009 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Coalition of Public Safety, Unit 5, at the alcoholic beverages control commission, and to meet the fiscal year 2007, 2008 and 2009 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and

allocations thereof for fiscal year 2008 and 2009 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that \$63,786 shall be available through June 30, 2009, to provide for the fiscal year 2009 costs of the contract..... \$172,247

SECTION 3. Item 6030-7201 of section 2 of chapter 61 of the acts of 2007 is hereby amended by adding the following words:- ; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of supplemental funds and related expenditures for snow and ice control, the department may incur expenses in deficiency after notification to the executive office for administration and finance and the office of the comptroller that a projection of deficiency exists.

SECTION 4. Notwithstanding any special or general law to the contrary, the comptroller shall grant a one-time partial waiver of deductions for pensions, group health, life insurance, or any other such fringe costs recovered on behalf of federally reimbursed state employees in the department of workforce development, but these costs shall not total more than \$4,892,543. This waiver shall apply only for fiscal year 2008 and shall expire on June 30, 2008.